




To the Honorable Council
City of Norfolk, Virginia

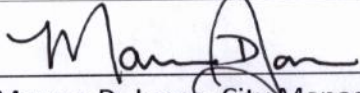
May 10, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate a Day Care Home at 1439 Mellwood Court – Ms. Rosebuds Family Day Care Home**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 3/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate a Day Care Home
- IV. **Applicant:** Ms. Rosebuds Family Day Care Home
- V. **Description:**
Granting this request will allow the existing home business, Ms. Rosebuds Family Day Home, to expand its capacity from five children to nine children.

	Proposed
Hours of Operation	6:00 a.m. to 12:00 midnight, Seven days a week
Hours for Outdoor Play Area	8:00 a.m. to 6:00 p.m., Seven days a week

- VI. **Historic Resources Impacts**
The building is not located within a federal, state, or local historic district.
- VII. **Public Schools Impacts**
The site is located in the Tanners Creek Elementary School, the Norview Middle School and Norview High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated April 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: April 28, 2016

bu Executive Secretary: George M. Homewood, FAICP, CFM *2mrv44*
 Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 9	
Address	1439 Mellwood Court	
Applicant	Ms. Rosebuds Family Day Home	
Request	Special Exception	Day Care Home
Property Owner	Rosemary Everette	
Site Characteristics	Site/Building Area	5,000 sq. ft./1,230 sq. ft.
	Future Land Use Map	Single-Family Traditional
	Zoning	R-8 (Single-Family)
	Neighborhood	Shadywood East
	Character District	Suburban
Surrounding Area	North	R-8: Single-family homes
	East	R-8: Single-family homes
	South	R-8: Single-family homes
	West	R-8: Single-family homes



A. Summary of Request

- The property is located on the north side of Mellwood Court within the Shadywood East neighborhood.
- Granting this request will allow the existing home business, Ms. Rosebuds Family Day Home, to expand its capacity from five children to nine children.

B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Single-Family Traditional.
- The Supporting Lifelong Learning chapter of *plaNorfolk2030* calls for increasing the number and accessibility of high quality child care homes and centers.

C. Zoning Analysis

i. General

- In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.
- The site is located in an R-8 (Single-Family) district on a lot with 5,000 square feet of lot area, developed with a single-family home with a minimum of 1,200 square feet, which permits the proposed use with a special exception.

	Proposed
Hours of Operation	6:00 a.m. to 12:00 midnight, Seven days a week
Hours for Outdoor Play Area	8:00 a.m. to 6:00 p.m., Seven days a week

- A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

ii. Parking

The site accommodates three off-street parking spaces, which complies with *Zoning Ordinance* requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that a daycare with nine children will generate 40 new vehicle trips per day.

- Mellwood Court adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located in the Tanners Creek Elementary School, the Norview Middle School and Norview High School Attendance Zones.

G. Environmental Impacts

No environmental impacts are anticipated with the proposed day care home expansion.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- A six-foot solid fence will be required to be installed and maintained prior to zoning approval for the increased occupancy.
- It is unlikely that there will be any impacts to the surrounding neighbors.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- The Shadywood East Civic League is not currently active.
 - A notice was sent to the City's Neighborhood Development Specialist for this portion of the City.

L. Communication Outreach/Notification

- Legal notice was posted on the property on March 22.
- Letters were mailed to all property owners within 300 feet of the property on April 15.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

M. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions below:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which reside at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this special exception until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed.

- (c) The hours of operation for the day care home shall be limited to 6:00 a.m. until 12:00 midnight, seven days a week. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. seven days a week. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.
- (d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Attachments

Location Map
Zoning Map
Application
Physical Survey
Notice to the Neighborhood Development Specialist

Proponents and Opponents

Proponents

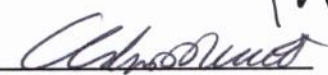
Rosemary Everette – Applicant
1439 Mellwood Court
Norfolk, VA 23513

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A DAY CARE HOME KNOWN AS "MS. ROSEBUDS FAMILY DAYHOME" ON PROPERTY LOCATED AT 1439 MELLWOOD COURT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Day Care Home known as "Ms. Rosebuds Family Dayhome" on property located at 1439 Mellwood Court. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 50 feet, more or less, along the northern line of Mellwood Court beginning 623 feet, more or less, from the northeast corner of Mellwood Court and Edward Street and extending northeastwardly; premises numbered 1439 Mellwood Court.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which resides at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this special exception unless and until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed hereunder.
- (c) The hours of operation for the day care home shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.

- (d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in

the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

Location Map

PICADILLY STREET

MELLWOOD COURT

**MS. ROSEBUDS
FAMILY DAYHOME**

0 10 20 40
Feet

N
↑



Zoning Map

PDMU-1

PDMU-1

PDMU-1

PDMU-1

PDMU-1

PDMU-1

R-11

PICADILLY STREET

PCPD-R

R-8

MS. ROSEBUDS
FAMILY DAYHOME

R-8

MELLWOOD COURT

R-8

R-11

EDWARD STREET

R-8

0 25 50 100 Feet





APPLICATION SPECIAL EXCEPTION

Special Exception for: Day Care Home (5,000 sq lot)

Date of application: _____

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1439 (Street Name) Mellwood Court ^{Norfolk} VA 23513

Existing Use of Property single-family home

Current Building Square Footage 1,230

Proposed Use Day Care Home with 9 children

Proposed Square Footage 1,230

Proposed Hours of Operation:

Weekday	From <u>6^{am}</u>	To <u>12 mid night</u>
Friday	From <u>6^{am}</u>	To <u>12 mid night</u>
Saturday	From <u>6^{am}</u>	To <u>12. mid night</u>
Sunday	From <u>6^{am}</u>	To <u>12 mid night</u>

Trade Name of Business (If applicable) Ms. Rose Rosebuds Family Day Home

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Application
Special Exception
Page 2

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Everette (First) Rosemary (MI) —

Mailing address of applicant (Street/P.O. Box): 1439 meadowood court

(City) Norfolk (State) VA. (Zip Code) 23513

Daytime telephone number of applicant 757 962-7387 Fax 757 962-7387

E-mail address of applicant: rosebuds daycare@aol.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Same as Applicant (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of owner () _____ email: _____

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: No active civic league

Date(s) contacted: _____

Ward/Super Ward information: ward 3 - Johnson / superward 7 - Groves

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Rosemary Everett Sign: Rosemary Everett / 2/29/2016
(Property Owner) (Date)

Print name: Rosemary Everett Sign: Rosemary Everett / 2/29/2016
(Applicant) (Date)

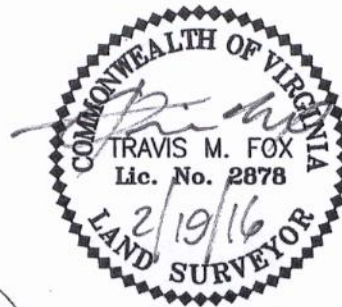
ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / _____
(Authorized Agent Signature) (Date)

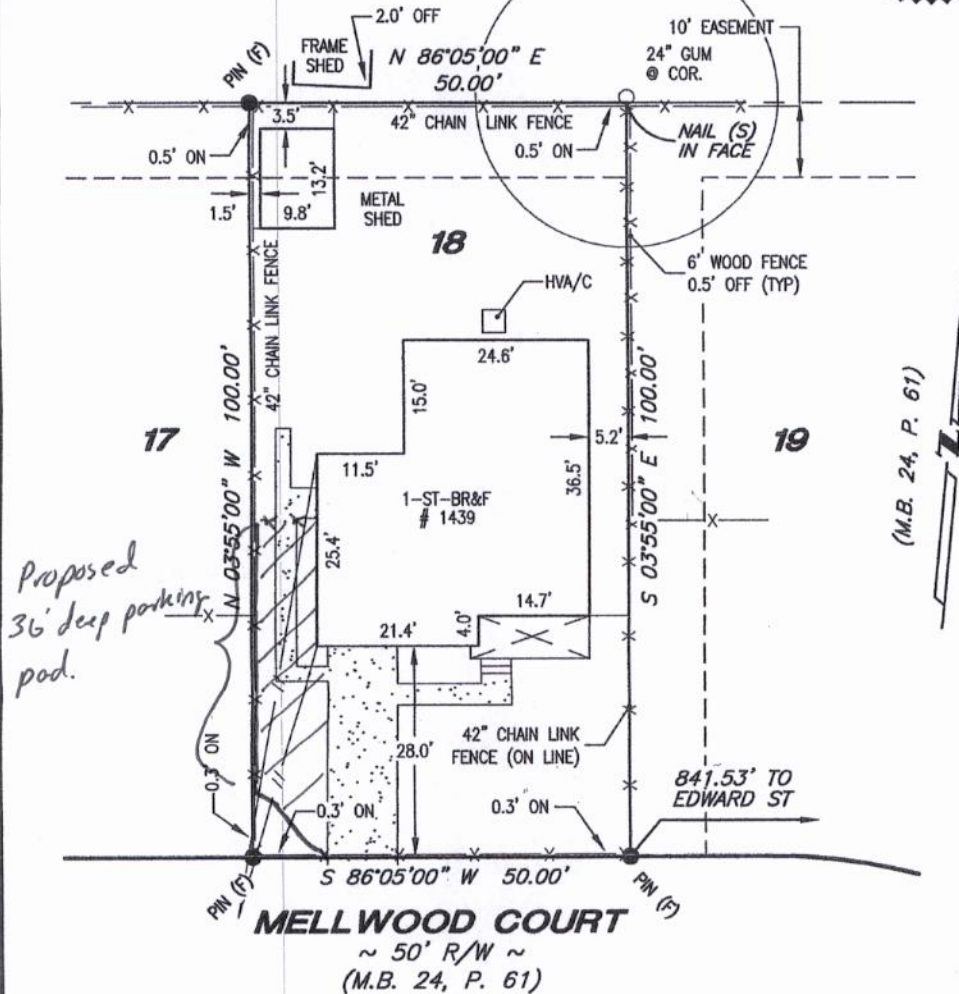
THIS IS TO CERTIFY THAT ON FEBRUARY 17, 2016, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE PROPERTY LINES OF RECORD AS SHOWN IN M.B. 24, P. 61 AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND WITHIN THE SAID PROPERTY LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

FOX LAND SURVEYING, LLC
SIGNED BY:

NOTE: A 5 FOOT EASEMENT, UNLESS GREATER WIDTH IS NOTED, ON ALL SIDES & REAR LOT LINES HAS BEEN DEDICATED TO THE CITY OF NORFOLK FOR DRAINAGE & UTILITIES.



SUBDIVISION OF LOT 19, BLOCK 12
EAST NORVIEW
PLAT No. 2



FLOOD INFORMATION: THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF NORFOLK, VIRGINIA, COMMUNITY PANEL NO. 510104 0105 F DATED SEPTEMBER 2, 2009.

- FOX LAND SURVEYING, LLC, IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS WHICH MAY AFFECT SAID PROPERTY AS SHOWN. THIS PLAT DOES NOT INTEND TO REPRESENT A SUBDIVISION OF LAND.

LAND SURVEYING
SITE DESIGN
MAPPING



SCALE: 1" = 20'

PHYSICAL SURVEY

SHEET 1 OF 1

OF
LOT 18
CORRECTED AND AMENDED PLAT OF
SECTION TWO, SHADYWOOD
SUBDIVISION OF LOTS 14 THROUGH 18 EAST NORVIEW
PLAT RECORDED IN MAP BOOK 24 AT PAGE 61, IN THE CLERK'S
OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA
NORFOLK, VIRGINIA
Exclusively For
ROSEMARY EVERETTE

DRW/chk: TMF

NORFOLK, VIRGINIA

F.B. 5 P. 66-67

19 FEBRUARY, 2016

JN: 016-007

Simons, Matthew

From: Straley, Matthew
Sent: Thursday, March 17, 2016 11:51 AM
To: Herbst, James
Cc: Johnson, Mamie; Williams, Angelia M.; Simons, Matthew
Subject: new Planning Commission application
Attachments: Rosebud.pdf

Mr. Herbst,

The attached application has no active civic leagues nearby. If you know of contacts in the surrounding area, would you please see that this application gets forwarded to them?

Attached please find the following application for a special exception to operate a day care home at 1439 Mellwood Court.

The purpose of the request is to allow for the existing day care home to expand capacity in order to accommodate four additional children within the home (nine children total).

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank You.

Matthew Straley
GIS Technician II


City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:

www.norfolk.gov

